

PROB 12C  
(7/93)

Report Date: July 11, 2014

## United States District Court

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

for the

Eastern District of Washington

JUL 11 2014

SEAN P. McAVOY, CLERK  
DEPUTY  
YAKIMA, WASHINGTON**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Richard Allen Counts

Case Number: 0980 2:07CR02066-LRS-1

Address of Offender: [REDACTED]

Name of Sentencing Judicial Officer: The Honorable Lonny R. Suko, Senior U.S. District Judge

Date of Original Sentence: January 17, 2008

Original Offense: Distribution of a Controlled Substance, 21 U.S.C. § 841(a)(1)

Original Sentence: Prison 100 months; Type of Supervision: Supervised Release  
TSR - 48 months

Asst. U.S. Attorney: Thomas J. Hanlon Date Supervision Commenced: September 13, 2013

Defense Attorney: Alex B. Hernandez, III Date Supervision Expires: September 12, 2017

**PETITIONING THE COURT**

**To incorporate the violations contained in this petition in future proceedings with the violation(s) previously reported to the Court on 2/7/2014, 6/17/2014 and 6/19/2014 and request a warrant.**

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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8	<b>Mandatory Condition # 4:</b> The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.
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**Supporting Evidence:** Richard Allen Counts admitted to using methamphetamine on or about July 10, 2014.

On July 11, 2014, Mr. Counts was released from the Yakima County Jail and was admitted into James Oldham Treatment Center (JOTC) for 30 days of inpatient treatment. During the intake process, the defendant provided a urine sample which tested positive for methamphetamine. When confronted about the positive test result, Mr. Counts admitted to using methamphetamine on July 10, and 11, 2014, while incarcerated at the county jail. As a result of his admission and positive test result, the defendant was not allowed to enter treatment. It should be noted treatment staff were supposed to pick Mr. Counts up from the jail, but his girlfriend picked him up instead and drove him to JOTC.

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Standard Condition #3: The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

Supporting Evidence: Richard Allen Counts failed to follow the instructions of the probation officer on July 11, 2014.

On July 11, 2014, at approximately 10:28 a.m., the defendant was directed to report directly to the U.S. Probation Office following his departure from JOTC. At approximately 11:40 a.m., contact with his girlfriend revealed the defendant had gone to visit some of his family members. She related the defendant had informed her he would be reporting to the U.S. Probation Office around 1 p.m.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 07/11/2014

s/Jose Vargas for

Stephen Krous  
U.S. Probation Officer

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#### THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- Defendant to appear before the Judge assigned to the case.
- Defendant to appear before the Magistrate Judge.
- Other

Jim P. Hutton  
Signature of Judicial Officer

7/11/14  
Date